

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEN R. CHLEBOWSKI,

Case No. 2:12-cv-00517-MMD-PAL

Petitioner,

ORDER

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Respondents.


On March 28 2012, Plaintiff initiated this action to seek judicial review of the Social Security Administration's decision to deny Plaintiff disability benefits. (Dkt. no. 1.) On April 22, 2013, Plaintiff moved to remand to the Commissioner of Social Security ("Commissioner"). (Dkt. no. 23.) On May 13, 2013, the parties stipulated to remand to the Commissioner for further administrative review and for the Administrative Law Judge to take certain action with respect to Plaintiff's disability benefits application. (Dkt. no 24.) The Court subsequently granted the parties' stipulation for an award of \$3,500.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). (Dkt. no. 28.) Plaintiff's counsel now moves for attorney's fees pursuant to 42 U.S.C. § 406(b). (Dkt. no. 31.) The Court has reviewed the Commissioner's response. (Dkt. no. 32.)

Section 406(b) provides that the court "may determine and allow as part of its judgment a reasonable fee" for counsel's representation of a claimant, "not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by

1 reason of such judgment.” 42 U.S.C. § 406(b). Counsel is requesting total fees of
2 \$20,542.00, which is 25% of the retroactive benefits awarded to Plaintiff (\$82,170.00)
3 pursuant to the parties’ contingency fee agreement. (Dkt. no. 31.) The Court finds that
4 the amount of fees requested is reasonable in light of “the character of the
5 representation and the results achieved.” See *Crawford v. Astrue*, 586 F.3d 1142, 1151
6 (9th Cir. 2009) (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 808 (2002)).

7 It is therefore ordered that Plaintiff’s counsel’s motion for attorney’s fees (dkt. no.
8 31) is granted. The Commissioner is ordered to certify the amount of fees of \$20,542.00
9 payable to counsel. Counsel is ordered to refund \$3,500.00 of fees awarded under the
10 EAJA to Plaintiff.

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12 DATED THIS 5th day of October 2015.

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15 MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
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